

REMARKS

I. Status of the Claims of Patent Application

There are 30 claims pending in the application comprising claims 36-62 and 65-67.

II. Summary of the Office Action

In the present Office Action, claims 36-62, and 65-67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Root et al. U.S. Patent No. 6,013,007 (hereinafter "Root").

III. Request for Reconsideration

Applicant requests reconsideration of the rejections and further requests allowance of the application on the basis of the following remarks.

IV. Claim Rejections

The present invention is directed to a modular wireless network for providing current performance feedback and performance tracking of training performance for an athlete. The system comprises a heart rate data sensor device, a speed data sensor device, a display device, and a storage device. Each of these devices are part of the wireless network that allows communication between the devices to take place wirelessly. For example, the heart rate sensor device and speed sensor device each respectively transmit wirelessly the current heart rate data and the current speed sensor data to the display device for display., thus, advantageously eliminating wires /cables for communication between devices.

In the present Office Action, claims 36-62, and 65-67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Root. However, Root does not describe or suggest all of the feature of claims 36-62, and 65-67. For example, claim 36 recites, among other things, "a heart rate data sensor device that is adapted to be worn on an athlete's chest during mobile athletic activity and is configured to wirelessly transmit a heart rate output that is representative of a current heart rate of the athlete" is not shown or suggested by Root.

Root's system is directed to a GPS based personal athletic performance monitor. The performance monitor provides an athlete with real-time athletic performance feedback data such as elapsed exercise time, distance covered, average pace, elevation difference, distance to go and/or advice for reaching pre-set targets (*see*, Root, Abstract). The performance monitor is also integrated with an AM/FM/TV personal radio, and provides performance feedback through a set of audio headphones using an audio module. The performance monitor is connected by wire/cable to a GPS antenna, an AM/FM/TV antenna (audio headphone wire), a heart rate sensor, and a body temperature sensor. Each of these transducers provide the necessary signal by wire/cable to their corresponding module, residing in the performance monitor, for further processing (*see*, Root, Fig. 6). Nowhere does Root show "a heart rate data sensor device that is adapted to be worn on an athlete's chest during mobile athletic activity and is configured to wirelessly transmit a heart rate output that is representative of a current heart rate of the athlete".

The examiner states that Root discloses a speed sensor device configured to wirelessly transmit the current speed of movement of the athlete. In this respect, Root discloses how the infrared-type port works in the following excerpt:

A serial-type connector 118 or an infrared-type port 124 allows for connecting the GPS-based personal performance monitor and feedback device 101 to a personal computer 701 (see FIG. 7) for uploading of historical performance statistics and downloading of geographic waypoints and user device preferences. (Root, Column 4, lines 54-59)

Clearly, the infrared port is used for uploading historical performance statistics and not the current movement of the athlete. Furthermore, the communication is between the performance monitor device and the personal computer and not the GPS module. Root discloses how the GPS module provides its data to the performance monitor and feedback device in the following excerpts:

During the exercise session, the GPS receiver module 604 continuously determines the athlete's geographical position and stores it in the memory 608 along with other information such as the date and time that each position was acquired. (Root, Column 7, lines 40-44)

As shown in Fig. 6 of Root, the memory 608 is part of the performance monitor device. Thus, the GPS module provides its position data to the performance monitor device by means of direct memory write.

The method of claim 36 is not obvious in view of Root because the current invention advantageously eliminates the wires/cables associated with the sensors in the Root's system, by using a wireless network to facilitate communication between devices. Root fails to suggest such an approach. Therefore, based on the foregoing, withdrawal of the rejection of claim 36 is respectfully requested. Claim 50 is allowable at least for the same reasons as provided above for claim 36. Claims 37-49 and 51-62 are allowable based on the recited features of those claims, as illustrated by the examples below, in addition being allowable at least due to dependence directly or indirectly from claims 36 and 50.

Claim 40 should be allowable because the cited section in Root (Col. 7, lines 40-50) does not disclose displaying the current date and time, but rather discuss storing the date and time with the collected position data. Claim 41 should be allowable because there is no wireless transmission of the location information in Root's invention.

Claims 43 and 45-47 are allowable because contrary to the examiner's assertion, there is no mention of the recited feature adapting the display device and storage device to receive data from another heart rate sensor and another speed sensor in Root. This is because the unit in Root is an integrated device.

Claim 53 should be allowable because the display of heart rate data is not disclosed on Root's display device.

Claims 54 and 58 are allowable because the ability to display and store data from devices designed after the manufacture of the unit is not disclosed in Root's invention.

Claim 61 should be allowable because Root does not disclose a software application that displays data from other devices.

Claim 66 should be allowable because Root's display device does not disclose the display of heart rate data or time information along with the speed data.

Claim 67 should be allowable because the ability to display data from devices designed after the manufacture of the unit is not disclosed in Root.

Claims 50-62 and 65-67 are not addressed by the Office Action and as such, may have been considered allowable by the Examiner. An issuance of an Office Action indicating as such is requested.

V. Conclusion

For the foregoing reasons, applicant submits that all of the claims are patentable over the cited art and respectfully requests reconsideration and an early indication of allowance. The Examiner is invited to contact the undersigned if any additional information is required.

Respectfully submitted,

9/27/06
date



Pejman Sharifi Reg. No. 45,097

WINSTON & STRAWN LLP
CUSTOMER NO. 28765

(212) 294-3311